

Remarks

Applicant respectfully traverses all of the Section 103 rejections because they all rely upon misinterpreted teachings of a secondary '331 reference, which does not disclose what the Office Action suggests it does.

In the instant Office Action dated January 10, 2008, the following rejections are noted: claims 1 and 9 stand rejected under 35 U.S.C. § 103(a) over Sadler (US Patent Pub. 2004/01498293, "the '293 reference") in view of Schamberger (U.S. Patent Pub. 2003/0117331, "the '331 reference"); and claims 1-10 stand rejected under 35 U.S.C. § 103(a) over Sanford (U.S. Patent No. 6,424,300, "the '300 reference") in view of the '331 reference.

Applicant respectfully traverses the Section 103 rejections of claims 1 and 9 over the combination of the '331 reference with the '293 reference because the combination does not teach or suggest claim limitations as asserted in the Office Action. As may be relevant to independent claims 1 and 9, the claimed invention is directed to a wireless terminal having a notch antenna that is used for receiving communications and is de-activated when transmitting signals (*see, e.g.*, notch antenna 14 in FIG. 2 and corresponding discussion). The Office Action indicates that the '293 reference does not disclose a notch antenna and de-activation means, and turns to the '331 reference in an attempt to show teaching or suggestion of related limitations. However, while the '331 reference discusses separate notch antennas, it fails to disclose any de-activation circuit or means for de-activating a notch antenna under transmit conditions as claimed, and further has no need for such a circuit because its separate notch antennas are specifically designed to avoid such a circuit.

As discussed at paragraph 0019 and shown in FIG. 1 of the '331 reference, separate receive and transmit notch antennas 120 and 130 are independently and respectively coupled to a receive amplifier 140 and a transmit amplifier 150. The '331 reference purposefully uses these separate notch antennas 120 and 140 so that "a duplexer or transmit/receive switch component is avoided." The '331 reference goes on to distinguish the use of a single antenna with a switch (or de-activation), indicating that "[m]ost conventional cellular telephones have a single antenna with a duplexer or transmit/receive switch component connecting the single antenna to transmit and receive

amplifiers of the cellular radio. The need for a duplexer or a transmit/receive switch is avoided by the dual antenna structure illustrated in the first embodiment of FIG. 1.” In this context, the cited discussion at paragraph 0019 and related structures in FIG. 1 are not “acting like a transmit/receive switch” as asserted in the Office Action, and therefore do not teach or suggest any de-activation means as claimed.

In rejecting claims 1 and 9, the Office Action also cites to paragraph 0029 of the ‘331 reference, which discusses FIG. 2 and “an antenna diversity switch 245” and a “third notch antenna 250 to provide polarization diversity.” While the Office Action has not asserted that any discussion in paragraph 0029 teaches or suggests any claimed limitations, Applicant notes that this antenna diversity switch operates only on the receive-side of the shown example (see FIG. 2) and thus does not teach or suggest the claimed de-activation means.

In view of the above, the Section 103 rejections of claims 1 and 9 over the combination of the ‘293 and ‘331 references are improper and should be removed.

Applicant also traverses the Section 103 rejections of claims 1-10 over the combination of the ‘300 and ‘331 references because these rejections also rely upon the ‘331 reference, as in the above-discussed rejection, for teaching or suggesting limitations directed to a wireless terminal having a notch antenna that is used for receiving communications and is de-activated when transmitting signals. Specifically, the Office Action has indicated at page 4 that the ‘300 reference does not teach or suggest “a notch antenna for receiving signals” and “de-activating the notch antenna when the PIF is being used for transmitting signals.” As the ‘331 reference does not teach or suggest these limitations per the above, the proposed combination of the ‘331 reference with the ‘300 reference also fails to teach or suggest these claim limitations. Applicant therefore requests that the Section 103 rejection over the combination of the ‘300 and ‘331 references be removed.

Certain claims have been amended to remove reference numerals and improve readability as relative to foreign-type claims, showing reference to example embodiments. Claim 6 has been amended to correct an informality, reciting “patch” instead of “notch” as in claim 5 from which it depends.

New claim 11 depends from claim 9 and is allowable over the cited references for the reasons stated above. Support for this new claim may be found, for example, in the original claims and in paragraphs 0020-0026 of the specification.

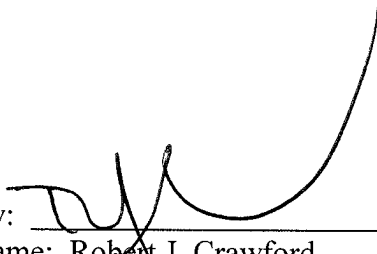
New independent claim 12, as well as claims 13-20 that depend therefrom, are directed to a telephony device having circuitry-based limitations that are similar to those of independent claim 1. These claims are allowable over the cited references for the reasons indicated above. Support for these new claims can be found, for example, in original claims 1-8 and in the specification at paragraphs 0020-0026, paragraph 0001 and 0040.

In view of the above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Peter Zawilski, of NXP Corporation at (408) 474-9063.

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